



Attorney's Docket No. 1033462-000037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Darko Pervan) Group Art Unit: 3635
Application No.: 10/730,131) Examiner: Basil S Katcheves
Filed: December 9, 2003) Confirmation No.: 3197
For: FLOORBOARDS, FLOORING)
SYSTEMS AND METHODS FOR)
MANUFACTURING AND)
INSTALLATION THEREOF)

PETITION UNDER RULE 183 TO WAIVE A REQUIREMENT OF THE RULES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On December 21, 2005, applicant filed a Request for Continued Examination, together with a Request for a Limited Suspension of Action under 37 CFR § 1.103(c) and the proper fees. At the time of filing, applicant's attorney assumed that the Request for a Limited Suspension of Action under Rule 103(c) qualified as the requisite "submission" of 37 CFR § 1.114. That assumption was based, in part, on the language in 37 CFR § 1.114(c), which states that the "submission" includes, "**but is not limited to**", the documents recited in 37 CFR § 1.114(c).

Applicant's attorney recently became aware of § 709, I, B, 1. (Requirements) of the Manual of Patent Examining Procedure (MPEP), wherein it states that the "request for suspension cannot substitute for the submission". In view of the statement in the MPEP, applicant hereby files a "submission" and petitions the Patent & Trademark Office to retroactively waive the requirement of 37 CFR 1.114(a) that the submission be filed **with** the Request for Continued Examination. It is important to note that in this case, a submission is being filed herewith. Thus, the only requirement that is requested to be waived is the **timing** of the submission.

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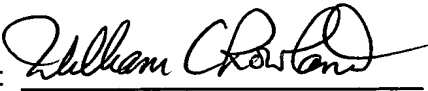
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Accordingly, since a submission is filed herewith, the applicant hereby petitions the Patent Office to retroactively waive, in this case, the requirement that a submission be filed **with** the Request for Continued Examination. The petition fee of \$400 (37 CFR § 1.17(f)) is submitted concurrently herewith. Any deficiencies to the fee may be charged to applicant's attorney's deposit account no. 02-4800. In the event that there are any questions concerning this petition, please telephone the undersigned attorney.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: 2-16-06

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